

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8625 of 2005

Between:

Chinna Buddanna S/o. Thimmanna
R/o. Thapetla Morsu Village, Ghattu Mandal, Mahaboobnagar District.

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Gadwal, Mahaboobnagar District.
- 2 The District COLlector, Mahaboobnagar District.
- 3 The Mandal Revenue Officer, Gattu Mandal, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or Direction more particularly one in the nature of Writ of MANDAMUS, declaring the action of the Respondents in not initiating any action in pursuance of show cause Notice G/2227/2004 dt. 8-11-2004, as illegal arbitrary, and violative of principals of natural justice apart from the violative of the provisions of Essential Commodities Act and the Rules framed there under and consequently direct the respondents to complete the enquiry at the earliest in the interest of justice and equity, and pass such other order or orders as this Hon'ble Court may deem fit and proper in circumstances of the case.

Counsel for the Petitioner: MR.POTTIGARI SRIDHAR REDDY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a writ of Mandamus, declaring the action of the respondents in not initiating any action in pursuance of show cause notice G/2227/2004, dated 8.11.2004, as illegal, arbitrary and consequently direct the respondents to complete the enquiry at the earliest in the interest of justice and equity.

Brief facts of the case are that the petitioner was appointed as Fair Price Shop Dealer for Fair Price Shop at Thappetla Morsu Village, Ghattu Mandal, Mahaboobnagar District, vide proceedings dated 31.12.1999 issued by the Assistant Collector Gadwal, Mahaboobnagar District. Subsequently, he obtained licence from concerned Mandal Revenue Officer and thereafter obtained authorization from the Sub-Collector, Gadwal, under A.P.S.C. (RDCS) Order 1973. As the petitioner committed some irregularities mentioned in the affidavit, a show cause notice dated 8.11.2004 was issued as to why his authorization should not be cancelled. To which, the petitioner filed a reply dated 22.11.2004 denying all the allegations. As the villagers of Tappetlamorsu filed a representation dated 10.10.2004 stating that the Fair Price Shop Dealer of Tappetlamorsu is not distributing the Essential Commodities properly to the card holders, the Revenue Divisional Officer, Gadwal, suspended the authorization of the petitioner vide proceedings dated 8.11.2004. Against the said order he filed an appeal before the Joint Collector, Mahaboobnagar District and the Joint Collector, Mahaboobnagar District dismissed the appeal by an order-dated 5.3.2005. Aggrieved by the same, he filed the present Writ Petition.

The learned counsel appearing for the petitioner submits that the respondents without conducting any enquiry have kept his authorization under suspension for a period of nearly more than 5 months, which is illegal.

Without going into the merits of the case, this writ petition is disposed of with a direction to the first respondent- Revenue Divisional Officer to conduct and complete the enquiry, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 25.04.2005

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To

- 1 The Revenue Divisional Officer, Gadwal, Mahaboobnagar District.
- 2 The District COLlector, Mahaboobnagar District.
- 3 The Mandal Revenue Officer, Gattu Mandal, Mahaboobnagar District.
4. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)
5. Two CD copies.